
Final
Archaeological Inventory Survey Plan
For the City Center (Construction Phase 4) of the
Honolulu High-Capacity Transit Corridor Project,
Kalihi, Kapālama, and Honolulu Ahupua‘a,
Honolulu District, Island of O‘ahu
TMK: [1] 1-2, 1-5, 1-7, 2-1, 2-3 (Various Plats and Parcels)
Volume II: Appendices A-E, Land Documents

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And
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On Behalf of
PB Americas, Inc.

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LCA No. 1503 to Puaa, Transcription	E-75
LCA No. 1503 to Puaa, Award	E-77
R. P. No. 5591, LCA No. 1503 to Puaa	E-79
LCA No. 1504 to Pahiha	E-81
LCA No. 1504 to Pahiha, Transcription	E-81
LCA No. 1504 to Pahiha, Award	E-83
R. P. No. 5589, LCA 1504 to Pahiha	E-84
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LCA No. 3455 to Kaule for Liliha, Transcription	E-91
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Appendix A Introduction to Land Documents

1.1 Legal Land Terms Found in Hawaiian Land Documents and Maps

Appendices B-D present Land Documents for Land Commission Awards (LCA) adjacent to the project area. For each LCA, there are at least three documents. The first is an English translation and transcription, from the Waihona ‘āina database (www.waihona.com), of the LCA Claim in the Native Register (N.R.), the Foreign Register (F.R.), and supporting documents for the claims, the Native Testimony (N.T.) and Foreign Testimony (F.R.). This is followed by the original Award, in Hawaiian, printed from microfilm archived at the Bureau of Conveyances Research Room in Honolulu. The third document is the Royal Patent for the LCA for the specific ‘āpana (lot) adjacent to the project area. There may be more than one Royal Patent issued for each ‘āpana.

The different sources for land documents, and the designations for these terms used in documents and on maps, are discussed in the following section. Information on the Māhele and subsequent land transfers in this section is summarized from two reports by Jon J. Chinen, “The Great Mahele” and “Original Land Titles in Hawai‘i” (Chinen 1958, 1961). In the Māhele Land Documents presented in Appendices A-D, there are references to several terms or abbreviations, including:

Board of Commissioners to Quiet Land Titles (BC)
Konohiki Awards
King’s Land
Land Commission Awards (LCA, or LCAw)
Royal Patents (R. P.)
Government Lands
Fort Lands (F. L.).
Kamehameha Awards
Crown Lands
Kuleana Awards
Māhele Awards (M. A.)
Royal Patent Grants [Konohiki] (R. P.)
Land Patents in Confirmation of Land Commission Awards (L. P.)

Other types of land documents and maps, not associated with the Māhele, include:

Royal Patent Grants (R. P.)
Land Patent Grants (Gr.)
Tax Map Key sheets (TMK)
Land Court Applications (LCAp)
Certificates of Title (CT)

1.2 The Māhele, Land Commission Awards (LCA) and Royal Patents (R. P.)

On December 10, 1845, the **Board of Commissioners to Quiet Land Titles (BC)**, also called the Land Commission, was established “for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property” (Chinen 1958:8). This led to the Māhele, which introduced the concept of private property into the Hawaiian society.

The first *māhele*, or division, of lands between the monarch, Kamehameha III, and the *ali‘i* (chiefs) and their land agents (*konohiki*) took place in January 27, 1848; the last in March 7, 1848. The king and over 240 *ali‘i* and *konohiki* took part in this division; the list of *ahupua‘a* (large land divisions) and *‘ili* (smaller land divisions) awarded to the king or each claimant was listed in a large book, now called the *Buke Māhele* (Māhele Book). These awards became known as **Konohiki Awards**. The king was considered one of the *konohiki*, but his lands, considered to be his private property, were sometimes referred to as the **King’s Land**.

For Konohiki lands, a claim first had to be approved by the Land Commissioners. Upon confirmation of the claim, a certificate was awarded to the claimant. This certificate was called a **Land Commission Award (LCA)**, which confirmed the claim of an individual for a parcel. The awardee could then obtain from the Minister of the Interior a **Royal Patent (R.P.)**, which indicated that the government’s interest in the land had been settled by the payment of a commutation fee. Commutation means “an exchange, or replacement.” The commutation fee to conclude the government’s interest in the land was usually set at a maximum of one-third of the value of the unimproved land. The fee could be settled by the exchange of cash, but was usually settled by the return of one-third of the lands (or cumulative value of the lands) originally awarded to the claimant. For example, if the claimant was awarded three lands, he could “return” one of the lands to pay the commutation fee, and he would “retain” the remaining two lands.

On March 8, 1848, Kamehameha III enacted two instruments, listed in the Māhele Book, dividing his lands into the King’s Land, the king’s private lands, and **Government Lands**, which were set aside to generate revenue for the government. Some Government Lands were designated as **Fort Lands (F.L.)**, land to be used to house and grow food for soldiers of the monarchy. However, this plan proved impractical, and the Fort Lands were later offered as separate awards to claimants. At first, portions of the King’s Lands had also been leased or sold by the King; these deeds were known as **Kamehameha Awards**. However, on January 1, 1865, a statute was passed to make the King’s Lands inalienable, meaning they could not be sold and there were restrictions on their lease. At this time, the lands reserved for the monarchy changed to the name of the **Crown Lands**.

In October 19, 1849, the Hawaiian Privy Council adopted resolutions to protect the rights of native tenants, the *maka ‘āinana*, the common people. Native tenants could be awarded lands that they occupied or that they cultivated as **Kuleana Awards**. No commutation fee was necessary to apply for a Royal Patent for a *kuleana* award, as the commutation fee had presumably already been paid by the *ali‘i / konohiki* who had been awarded the entire *ahupua‘a*, or *‘ili*, in which the native tenant claimed his own small parcels. An exception was made in the claims for house lots

in the urban centers of Honolulu, Hilo, and Lahaina; both *konohiki* and *maka ‘āinana* had to pay a commutation fee worth one-fourth of their value for these properties.

The Land Commission was abolished in March 31, 1855, but it was discovered that many of the *konohiki* listed in the 1848 Māhele Book had still not presented their claims. Claims presented at this time were called **Māhele Awards (M.A.)**, and the commutation fee required for the Royal Patent for these lands was the same as for Land Commission Awards.

A second act was passed in August 28, 1860 to address the problem of *konohiki* listed in the 1848 Māhele Book that had still failed to apply for their claims. In these cases, a **Royal Patent Grant (R. P.)** number was issued to the *konohiki* claimant, without an accompanying Land Commission Award number. In 1892, a study indicated that many *konohiki*, listed in the Māhele Book, had yet to apply for royal patents. An act passed on December 16, 1892 allowed the issuance of Royal Patent Grants to those remaining *konohiki*. Soon after this law passed, the Hawaiian government was overthrown on January 17, 1893 and was annexed as a territory by the United States on June 14, 1900. Both governments still allowed *konohiki* to apply for Royal Patent Grants. During the Republic years they were called “Royal Patent Grants,” and during the first Territorial years, there were called “**Land Patents in Confirmation of Land Commission Awards**.” There were no laws to enforce the payment of the commutation fee until a statute was passed by the Territorial Government in 1909, and many final claims for Patents by the *konohiki* were made at this date.

1.3 Government Land Sales

In 1851, Government Lands became available for purchase in lots of one to fifty acres in fee simple for a minimum of fifty cents per acre. Fee simple is a legal term for the complete ownership of a property, limited only by specific government restrictions, such as taxation and eminent domain. Once payment and the survey costs were paid, a land certificate called a **Royal Patent**, or a **Royal Patent Grant** was issued to the owner. This designation presents some confusion in the research on land titles, as the term Royal Patents is also used for the Royal Patents for Land Commission Awards, and the term Royal Patent Grant is also used for the *konohiki* claims awarded in August 28, 1860. To compound the problem, the abbreviation R. P. is used for all three types of documents.

The Royal Patents for Land Commission Awards present information on the boundaries, including topographic points, the metes and bounds (boundary shape and measurements) of a property and other relevant information, and is directly associated with a Land Commission Award.

The Royal Patent Grants are not associated with any Konohiki or Kuleana Awards, but were issued only for Government Lands sold to individuals or companies. The form of the Royal Patent Grant was established in April 27, 1846, and contained a set language with spaces for a minimum amount of information (claimant, price, location, island, acreage, date, and witness, as shown below.

"Kamehameha, ____, by the grace of God, King of the Hawaiian Islands, by this his royal patent, makes known unto all men that he has for himself and his successors in office, this day granted and given, absolutely, in fee simple unto _____, his faithful and loyally disposed subject, for the consideration of _____ dollars, paid into the royal exchequer, all that certain piece of land, situated at _____, in the island of _____,

and described (by actual survey or by natural boundaries as the case may be) as follows:

Containing _____ acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines, of every description.

To have and to hold the above granted land in fee simple, unto the said _____, his heirs and assigns forever, subject to the taxes to be from time to time imposed by the legislative council equally, upon all landed property held in fee simple.

In witness whereof I have hereunto set my hand, and caused the great seal of the Hawaiian Islands to be affixed, at Honolulu, this _____ day of _____, 18_____.

(L.S.)
Attest, _____
Premier"

An example of a Royal Patent Grant, for the sale of a lot in Honolulu near the Downtown Transit Station, is the Royal Patent Grant for a 0.4 acre lot to William Miller in May of 1855, shown next. The descriptions of the properties have less detail than the Royal Patents for Land Commission Awards, due to the set language.

Royal Patent No. 1753, Miller, William, Honolulu Ahupua‘a, District of Kona, Oahu

Kamehameha III., By the grace of God, King of the Hawaiian Islands, by this His Royal Patent, makes known unto all men, that he has for himself and his successors in office, this day granted and given, absolutely, in Fee Simple, unto William Miller his faithful and loyally disposed subject for the consideration of One thousand dollars paid into the Royal Exchequer, all that piece of Land situated at Honolulu in the Island of Oahu, and described as follows:

No. 1.

Commencing at the corner of Queen and Kaahumanu Streets [?] boundary runs along the South side of Kaahumanu Street
 North 65° 5' East 146 feet thence along Hay's property
 South 36° 45' East 65 2/3 feet thence along Hudson's Bay Company's lot
 South 54° West 160 3/4 feet thence along Queen street
 North 50° West 27 1/2 feet and
 North 16° 10' West 72 feet to commencement
 Area 0.275 Acre

No 2

Commencing at a point on the West side of Queen street
 South 71° 10' West 39 1/3 feet from the makai North corner of Stone building on Lot No. 1 the boundary runs along Queen Street
 North 14° West 65 1/6 feet thence
 South 78° 45' West 49 3/4 feet to corner edge 17 feet from the mauka end of the market stone wharf, thence
 South 12° 10' East 19 1/2 feet to side of Charlton Wharf thence along side of said wharf
 South 81° West 106 1/2 feet
 South 4° 30' East 25 1/2 feet
 South 86° 15' East 33 1/2 feet
 North 79° 50' East 76 1/2 feet thence
 South 12° 10' East 16 1/2 feet thence along James Robinson & Co.'s property
 North 78° 45' East 51 1/2 feet to commencement.
 Area 0.1485 Acre

Containing 0.4435 Acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic Mines of every description.

To have and to hold the above granted Land in Fee Simple, unto the said William Miller, his Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council equally, upon all landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my Hand, and caused the Great Seal of the Hawaiian Islands to be affixed, at Honolulu, this 14 day of May 1855.

Victoria K. Kaahumanu
 Keoni Ana, p.p. L. Kamehameha

The monarchy was overthrown in 1893 and the Crown Lands were added to the Government Lands as public domain lands for sale by fee simple. Certificates issued for the sale of these lands were called **Patents**. Often the old Royal Patent Grant forms were used, and the word Royal was simply crossed out. When Hawai‘i became a U.S. territory in 1900, the certificates were called **Land Patents, or Land Patent Grants**. Again, these had standard forms with spaces for writing in a minimum of information on the land.

1.4 Sources for Determining the Location of Land Commission Awards

The locations of Land Commission Awards can sometimes be determined by the description or from the map in the Land Commission Award or Royal Patent, especially by any mention of topographic features such as streams, shores, or ridges, or by relation to roads, churches, and neighbor’s parcels. Land Commission Awards can be found on larger-scale maps of *ahupua‘a* or districts produced by the Hawaiian Government Survey and the subsequent Territorial Government Survey, and also on survey maps for private land-owners, such as for the Bishop Estate.

The location of **Land Commission Awards**, abbreviated as **LCAw#** are sometimes depicted and labeled on Hawai‘i State **Tax Map Key (TMK)** sheets, which record the owner (the one responsible for the property tax) of each separate parcel in Hawai‘i. Land Patent Grant parcels are also sometimes shown, identified by the abbreviation **Gr.#**. However, as urban development increased in an area, some outlines for LCA lots were omitted on later TMK series sheets. Instead of an outlined parcel with an LCAw number, there is sometimes a reference to a different type of map, usually a **Land Court Application** map, identified with a **LCap #**. These land court application properties are not associated with the Māhele; they record land transactions of properties between individuals or companies, beginning in 1903, when the Land Court was established.

The Land Court is one of two systems used by the State of Hawaii to record land registrations. When a land parcel is bought or changes hands, a Land Court Application is made. The Land Court then searches for prior claims or encumbrances. When the registration is accepted and completed, the Land Court issues a **Certificate of Title** for the property. These Land Court Application maps are important sources for determining the locations of Land Commission Awards. The first time a property changes hands, any Land Commission Awards that overlap or encompass the parcel are listed and drawn on an accompanying map. When a Land Court Application map illustrates the location of several Land Commission Awards, the outlines of these LCA lots are dropped from the tax map sheets, and the number of the Land Court Application map is written diagonally across that section the tax map. It is important, therefore, not to confuse an **LCAw** number with an **LCap** number, as they refer to two separate types of properties and two separate types of documents. All Land Court Application maps are available from the Hawai‘i Department of Accounting and General Services (DAGS), Land Survey Division office in Honolulu.